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ABSTRACT

This guide to immigrant entitlements for New York City agencies serving immigrants reflects major changes in immigration law and entitlements law since 1985. The guide focuses on programs administered by the City of New York, but also includes information about some state and federal programs. The guide identifies the following: (1) government programs available to New York City's immigrants; (2) categories of immigrants who are eligible for benefits; (3) documents needed to prove eligibility; and (4) laws, regulations, and administrative guidelines governing each entitlement. The following financial and insurance programs are included: (1) Supplemental Security Income (SSI); (2) income maintenance programs, including Aid to Families with Dependent Children (AFDC), Home Relief, Emergency Assistance to Adults, and Emergency Assistance to Families; (3) Medicaid; (4) Food Stamps; (5) Medicare; and (6) Unemployment Insurance. The following service programs are included: (1) Special Supplemental Food Program for Women, Infants, and Children (WIC); (2) Human Resources Administration; (3) Department of Employment; (4) Department of the Aging; (5) City University of New York (CUNY); (6) Housing Authority; (7) Board of Education; (8) Health and Hospitals Corporation; (9) Department of Health; and (10) Department of Mental Health, Mental Retardation, and Alcoholism Services. A synopsis of the laws and regulations governing immigrant entitlements, a glossary, and a timeline showing the evolution of alien entitlement restrictions since 1972 are included. (FMW)

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Immigrant Entitlements made (relatively) simple

A Pamphlet for Agency Workers

U.S. DEPARTMENT OF EDUCATION

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Immigrant Entitlements Made (Relatively) Simple

A Pamphlet for Agency Workers

David N. Dinkins, Mayor
City of New York

New York Department of City Planning
Office of Immigrant Affairs

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DCP #90-14

Message from the Mayor

I'm pleased that City government can offer this second edition of "Immigrant Entitlements" to the immigrant service community. People who have recently immigrated to New York have been among our most valuable resources throughout the city's history, and it is only right that we give them back their share of what they have contributed to us.

Overall, immigrants are a sturdy and self-sufficient people, but sometimes some of them need help, as all of us do from time to time. When they need help, they should get every bit that the law permits and that the City provides. This manual brings some clarity to the complex matter of what the law does actually allow.

Please use this manual in a spirit of generosity and fairness. No one wants New Yorkers to be overly dependent on government services, but neither do we want them to go unassisted when they need and deserve our help. City services are provided for the purpose of those who need them.

David N. Dinkins
Mayor

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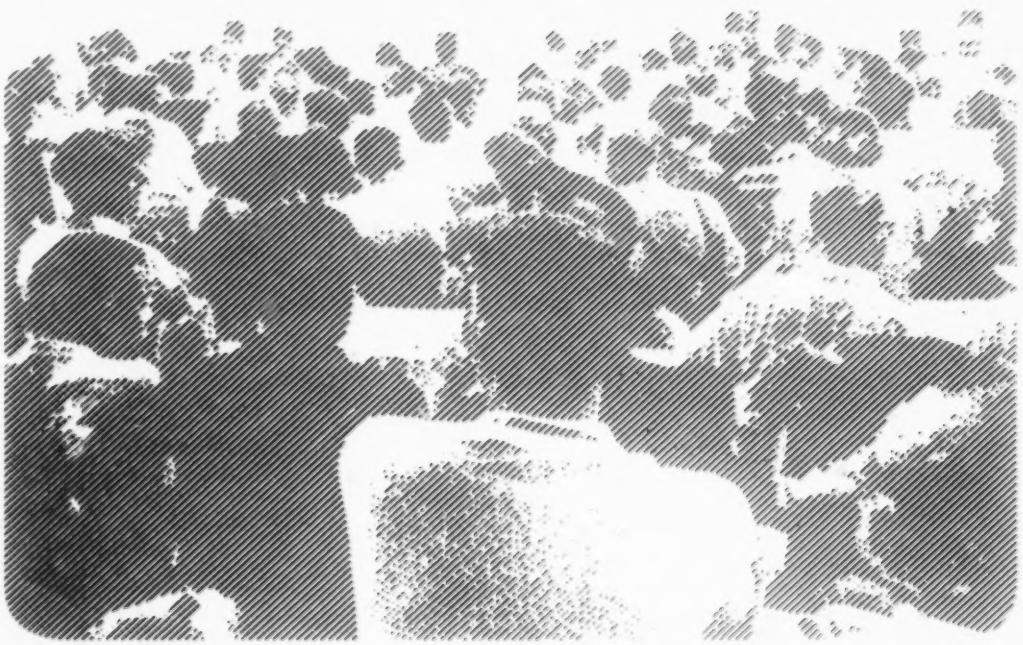
Introduction



INTRODUCTION

A. About the second edition

The Office of Immigrant Affairs issued the first edition of this pamphlet in 1985. This second edition reflects major changes in immigration law and entitlements law that have occurred since that time. These changes have made an already confusing entitlements situation more complicated than ever. We hope that you'll find this new edition to be a valuable guide through the entitlements maze.

This edition focuses on programs administered by the City of New York but also includes information about some state and federally administered programs.

B. What is this pamphlet going to do for you?

The immigrants standing before your desk have come to you for help. Perhaps they want financial assistance in meeting medical expenses, or perhaps they want daycare for their children. They don't know what they're entitled to, or how they can prove their entitlement.

Can you help them?

This pamphlet may answer that question. It will let you identify:

- Government **PROGRAMS** available to New York City's immigrants.
- **CATEGORIES** of immigrants who are eligible for benefits.
- The **DOCUMENTS** that are needed to prove eligibility.
- **LAWS, REGULATIONS** and **ADMINISTRATIVE GUIDELINES** governing each entitlement.

NOTE:
This pamphlet deals only with eligibility criteria that relate to immigration status. All public benefits have other eligibility criteria, such as financial need, that apply to immigrants and natives alike. This pamphlet focuses on criteria that are applicable only to immigrants.

NOTE ALSO:
The documents listed in this pamphlet are not necessarily the only documents acceptable as proof that an immigrant belongs to an eligible category.

C. A few words on immigrant categories

The policies and procedures governing immigrant entitlements are confusing to worker and applicant alike. There are many reasons for the confusion, first of which is that there are many categories of immigrants, each with its own entitlements and its own documentation.

The generic term **IMMIGRANT** refers to foreign-born persons who have come to the United States to live. Many immigrants become **NATURALIZED CITIZENS**, and their entitlements are the same as any other citizen's. Immigrants who have not yet become citizens are called **ALIENS**. Only certain categories of aliens are eligible for public benefits, and each category has its own set of documents that shows its alien status. The pamphlet lists the main alien categories, and the documents that go along with them, for the most important entitlement programs.

For the purpose of determining entitlements, aliens fall into four main groups:

- **PERMANENT RESIDENT ALIENS** have received permission to live in the United States permanently and to become citizens in time. Commonly called "green card holders," they are the aliens closest to citizenship. Permanent residents' entitlements vary depending on how they achieve permanent residence and how long they have been in legal resident status.

  Some permanent residents are classified as conditional permanent residents for a two-year period if they achieved permanent residence on the basis of marriage to a U.S. citizen or permanent resident. Conditional permanent residents (also known as conditional residents) are regarded as permanent residents for entitlements purposes. Although their length of time in legal resident status may affect their entitlements eligibility, as it may that of other permanent residents, the conditional nature of their status has no impact.

- **TEMPORARY RESIDENT ALIENS** have received permission to live and work temporarily in the United States. They are eligible to become permanent residents after a set time period and must do so or lose their legal status.

  Most temporary residents are aliens who legalized their status through the general legalization program (commonly referred to as the "amnesty" program) set up by the Immigration Reform and Control Act of 1986 (IRCA) or through IRCA's Special Agricultural Workers (SAWs) program. "Amnesty" and SAWs aliens (with some exceptions) are barred from most major federal entitlements for a period of five years from the date of legalization, even after becoming permanent residents. SAWs are eligible for more benefits than "amnesty" aliens are; for example, there is no five-year bar on Food Stamps for SAWs.

  Some nationals of Afghanistan, Ethiopia, Poland, and Uganda also became eligible for temporary residence and later for permanent residence under a program known as the EVD nations program. EVD refers to the fact that for a period of time, the U.S. automatically granted extended voluntary departure (EVD) status to persons from these four nations. Temporary and permanent residents under the EVD nations program have the same entitlements and restrictions as their counterparts in the "amnesty" program.

- Other aliens **PERMANENTLY RESIDING IN THE UNITED STATES UNDER COLOR OF LAW (PRUCOL)** are aliens who are known to the immigration authorities and whose extended presence in the United States is sanctioned by those authorities, although they have not become permanent resident aliens. Included in the PRUCOL group are such categories as refugees, Cuban/Haitian entrants, asylees, parolees, and even some undocumented aliens who have lived in the United States for many years, or who are involved in proceedings with the U.S. Immigration and Naturalization Service. It is this group whose entitlements are most confusing because each benefit program has its own definition of which aliens are to be considered PRUCOL. This pamphlet specifies how each program defines PRUCOL when the definition is used to determine eligibility.

  Refugees are considered PRUCOL for all major benefits and are also eligible for other benefits that aid their adjustment to life in the United States. Amerasians and their family members who come through the Orderly Departure Program from Vietnam are viewed as refugees for benefit purposes, although they come to the U.S. as permanent residents.

- **UNDOCUMENTED ALIENS** are foreign-born persons who are not known to the immigration authorities because they entered the country secretly, and other aliens who have no current authorization to be in the United States. Even undocumented aliens are entitled to some benefits.

This pamphlet includes one group of residents who aren't immigrants at all, namely, the U.S.-born children of immigrants. Their entitlements have been an area of confusion for agency workers. The fact is that children born in the United States are U.S. citizens, and they have all the rights of citizens, regardless of whether their parents are native-born Americans, naturalized citizens, documented aliens or undocumented aliens.

By and large in New York City, income assistance programs are available only to naturalized citizens, permanent resident aliens, and other aliens permanently residing in the United States under color of law. Of the soft service programs, like protective services for children, some offer service to all immigrants, regardless of immigration status; other are restrictive. In a few instances, programs are designed specifically for one segment of the immigrant population, such as refugees, and are available to no one else, not even citizens.

D. How the system got to be the way it is

The confusion in alien entitlements started with a lack of coordination between immigration law and social service law. Immigration law sets up immigrant categories for the purpose of regulating admissions to the United States; then social service law uses those categories, in its own way, to define immigrant entitlements. This transfer of purpose creates problems of interpretation.

The next layer of confusion comes from social service law itself. Because the entitlement rules evolved piecemeal, rather than from one comprehensive policy decision, they are inconsistent from agency to agency and even from program to program.

The final layer of confusion derives from intermittent court challenges, which produce changes in the way the rules are written and understood.

This pamphlet offers a picture of policy and practice at one point in time—January 1990.

E. Some legislative history

Starting in 1972, the federal and state governments began to restrict entitlements for some categories of aliens, that is, for some immigrants who were not naturalized citizens. Before then, alien status had virtually never been mentioned in social service law. In 1972, the federal government took steps to bar undocumented aliens from SSI and subsequently from other entitlement programs. It did so by conferring benefits only upon citizens, permanent resident aliens, and other aliens permanently residing in the United States under color of law. The category "permanently residing under color of law" was not defined at that time. It was clear that the government wanted to exclude undocumented aliens from some federal benefit programs, but it was not clear who was to be considered an undocumented alien. Currently, most federal benefit programs specify the kinds of aliens that are considered PRUCOL for their purposes.

Ironically, the financial eligibility criteria for some permanent resident aliens are stricter than for any other alien or citizen group. In applying for most cash assistance or Food Stamps, those permanent aliens who have sponsors are required to count part of their sponsor's income and resources among their own financial assets during their first three years in the United States. A sponsor is someone who signs an affidavit of support for an alien to assist the alien in obtaining permanent resident status from U.S. immigration authorities. A relative or prospective employer who petitions for an alien's admission to the United States is NOT considered a sponsor unless the petitioner signs an affidavit of support. Not all permanent residents have sponsors; for example, aliens who become permanent residents through the "amnesty" and SAWs programs, or through registry (a process for aliens who have lived in the United States since prior to 1972), never have sponsors.

The rules on the sponsor's income and resources, called "deeming" provisions in welfare law, were challenged in New York State on the grounds that the State Constitution mandates assistance for all needy residents applying for state benefits. As a result of this court challenge *(Minino v. Perales)*, "deeming" provisions no longer apply for Home Relief, the New York State cash assistance program, in cases where the sponsor's income and resources are not available to the applicant. Similar "deeming" provisions in the federal laws have not been challenged in court.

"Deeming" provisions have not been incorporated into the Medicaid rules and do not apply to aliens' Medicaid eligibility unless the sponsor's income and resources are actually contributed to the applicant. For most cash assistance and for Food Stamps, however, the sponsor's income and resources are counted even if the sponsor does not actually contribute to the applicant's support.

Some PRUCOL aliens, such as refugees, asylees and parolees, are in the best position to obtain cash assistance. They have a clear, approved immigration status, and they face no requirement to count a sponsor's income or resources.

Undocumented aliens are ineligible for cash assistance or Food Stamps. They are eligible for Medicaid only in medical emergencies.

Evolution of Alien Entitlement Restrictions

EVOLUTION OF ALIEN ENTITLEMENT RESTRICTIONS

Undocumented Aliens

1972:
Congress creates SSI program and confers benefits only on citizens, permanent resident aliens, and aliens "permanently residing in U.S. under color of law."

1974:
When regulations are promulgated to implement new law, undocumented aliens are denied AFDC and Medicaid benefits as well as SSI.

New York State Legislature denies state-funded cash and medical assistance to aliens "unlawfully residing" in the state.

1976:
State regulation bars undocumented aliens from "soft" service programs like daycare.

1978:
Undocumented aliens are barred from federal Food Stamp program.

1982:
The 1974 regulations barring undocumented aliens from AFDC are now incorporated into AFDC statute.

1986:
Federal judge rules that New York State cannot deny Medicaid to undocumented aliens since Medicaid statute contains no express restrictions on alien eligibility.

1986:
Then, Congress amends Medicaid statute to grant benefits to permanent residents and PRUCOL aliens. All other aliens are eligible only in emergency cases.

1987:
Federal judge rules that New York State cannot deny Medicaid to any pregnant alien if unborn child would be eligible for Medicaid at birth.

Permanent Resident Aliens

1980:
Congress restricts SSI benefits for permanent resident aliens during their first three years in the U.S. by requiring that a portion of their sponsor's income and resources be taken into consideration in determining eligibility (a "deeming" provision).

1981:
A "deeming" provision is added to the AFDC statute.

"Deeming" provisions are incorporated into state-funded cash assistance programs.

1982:
A "deeming" provision is incorporated into federal Food Stamp program.

1984:
For AFDC purposes, federal government now views the income of organizational sponsors, not just individual sponsors, as resources "deemed" available to applicants who are permanent resident aliens.

1985:
"Deeming" provisions are no longer applied to permanent resident applicants for Home Relief if sponsor's income and resources are unavailable to applicant.

1986:
Most permanent residents through "amnesty" and SAWs programs are disqualified by IRCA from most federal benefits for five years after legalization date.

Financial/Insurance Programs

SUPPLEMENTAL SECURITY INCOME

(SSI)

(administered by U.S. Social Security Administration)

Who is Eligible	Proofs of Eligibility
Naturalized citizens	U.S. passport or naturalization certificate
Permanent resident aliens, including those who became permanent residents through the "amnesty," SAWs, or EVD nations programs. If permanent resident had a sponsor, sponsor's income and resources are considered in determining eligibility for three years after entry.	INS permanent resident card I-151 or I-551 ("green cards"), or re-entry permit
Temporary residents through the "amnesty," SAWs, or EVD nations programs	INS temporary resident card I-688
Aliens "permanently residing in U.S. under color of law" (PRUCOL aliens), defined by the Social Security Administration as:	
refugees	INS form I-94 stamped refugee (207)
Amerasians treated as refugees	I-94 form stamped admitted (AM1), (AM2), or (AM3), or I-551 ("green card") annotated AM6, AM7, or AM8
asylees	I-94 form stamped asylee (208) and letter from INS or judge granting asylum
parolees	I-94 form stamped parolee (212)(d)(5)
Cuban/Haitian entrants	I-94 form stamped Cuban/Haitian entrant, status pending
conditional entrants	I-94 form stamped refugee-conditional entry (203)(a)(7))
persons residing in U.S. under an INS order of supervision; deeming provisions may apply	INS form I-220 B
persons granted indefinite stay of deportation; deeming provisions may apply	INS letter and/or I-94 form showing indefinite stay of deportation
persons granted indefinite voluntary departure; deeming provisions may apply	INS letter and/or I-94 form showing indefinite voluntary departure

Who is Eligible	Proofs of Eligibility
persons on whose behalf an "immediate relative" petition has been approved, who are entitled to voluntary departure, and whose departure INS does not contemplate enforcing (family members covered by the petition are also included); deeming provisions may apply. NOTE: "immediate relative" refers to the spouse, parent, or unmarried under-21 child of a U.S. citizen.	I-94 form and/or INS I-210 form indicating that voluntary departure has been granted till a specific date and that INS expects visa to become available within this period
persons who have properly filed an application for adjustment of status, and whose departure INS does not contemplate enforcing; deeming provisions may apply	I-94 form or passport stamped "adjustment application" or "employment authorized during status as adjustment applicant," or INS form I-181
persons granted voluntary departure who are awaiting visas and whose departure INS does not contemplate enforcing; deeming provisions may apply	I-94 form and/or I-210 form indicating that voluntary departure has been granted till a specific date and that INS expects visa to become available within this period
persons granted stays of deportation and whose departure INS does not contemplate enforcing; deeming provisions may apply	letter or copy of court order and/or I-94 form showing stay of deportation
persons granted deferred action; deeming provisions may apply	INS letter or I-210 form indicating that departure has been deferred
persons who have resided continuously in U.S. since before January 1, 1972	proof of residence in U.S. since before January 1, 1972
persons granted suspension of deportation and whose departure INS does not contemplate enforcing	letter/order from immigration judge and I-94 form indicating suspension of deportation
persons whose deportation has been withheld; deeming provisions may apply	order from immigration judge showing that deportation has been withheld
any other person residing in U.S. with knowledge and permission of INS and whose departure INS does not contemplate enforcing, such as persons granted extended voluntary departure; children, the elderly, or the ill; and persons with applications pending for certain immigration benefits; deeming provisions may apply. Persons with valid non-immigrant visas are NOT eligible for this category.	INS correspondence granting extended voluntary departure, or INS correspondence granting permission to stay in U.S. for at least one year, or other verification by INS that INS does not intend to enforce departure

AID TO FAMILIES WITH DEPENDENT CHILDREN (AFDC)

(administered by NYC Human Resources Administration)

Who is Eligible	Proofs of Eligibility
Naturalized citizens	U.S. passport or naturalization certificate
Permanent resident aliens who did not become permanent residents through the "amnesty", SAWs, or EVD nations programs. If permanent resident had a sponsor, individual or organizational sponsor's income and resources are considered in determining eligibility for three years after entry.	INS permanent resident card I-151 or I-551 ("green cards"), or re-entry permit. The I-551 or re-entry permit must NOT have an eight-digit "A" number that begins with a 9.
Permanent residents through the "amnesty," SAWs, or EVD nations programs, IF five years have elapsed from their date of legalization	I-551 ("green card") that has an eight-digit "A" number beginning with a 9; the card gives the date of legalization (temporary resident adjustment date)
Other permanent residents through the "amnesty" program, IF they were Cuban/Haitian entrants prior to receiving "amnesty"	I-551 ("green card") annotated W16 or W26, plus INS form I-94 stamped Cuban/Haitian entrant, status pending
Temporary residents through the "amnesty" program, IF they were Cuban/Haitian entrants prior to receiving "amnesty"	INS temporary resident card I-688 annotated 245A, plus I-94 form stamped Cuban/Haitian entrant, status pending
Aliens "permanently residing in U.S. under color of law" (PRUCOL aliens), defined by Income Maintenance as:	
refugees	I-94 form stamped refugee (207)
Amerasians treated as refugees	I-94 form stamped admitted (AM1), (AM2), or (AM3), or I-551 ("green card") annotated AM6, AM7, or AM8
asylees	I-94 form stamped asylee (208)
parolees	I-94 form stamped parolee (212)(d)(5)
Cuban/Haitian entrants	I-94 form stamped Cuban/Haitian entrant, status pending
conditional entrants	I-94 form stamped refugee-conditional entry (203)(a)(7)
persons continuously residing in U.S. since prior to January 1, 1972	proof of residence in U.S. since prior to January 1, 1972

Who is Eligible	Proofs of Eligibility
persons granted indefinite stay of deportation	INS correspondence showing indefinite stay of deportation
persons granted suspension of deportation	letter/order from immigration judge and I-94 form indicating suspension of deportation
persons granted indefinite voluntary departure	INS correspondence showing indefinite voluntary departure
persons granted voluntary departure for at least a one-year period	INS correspondence showing voluntary departure for at least a one-year period
persons residing in U.S. under an INS order of supervision	INS form I-220 B
persons granted deferred action status	INS letter or INS form I-210 indicating that departure has been deferred
persons on whose behalf an "immediate relative" petition has been approved and who have been granted voluntary departure. NOTE: "immediate relative" refers to the spouse, parent, or unmarried under-21 child of a U.S. citizen	I-94 form and/or I-210 form indicating that voluntary departure has been granted till a specific date and that INS expects visa to become available within this period
other persons who can show that they are legitimately present in U.S. for an indefinite period of time. Persons with valid non-immigrant visas, persons granted voluntary departure for less than a year, and persons applying for an alien status or seeking to adjust an ineligible status are NOT eligible for this category.	relevant correspondence with INS

HOME RELIEF

(administered by NYC Human Resources Administration)

Who is Eligible	Proofs of Eligibility
Naturalized citizens	U.S. passport or naturalization certificate
Permanent resident aliens, including those who became permanent residents through the "amnesty," SAWs, or EVD nations programs. If permanent resident had a sponsor, sponsor's income and resources are considered in determining eligibility for three years after entry unless permanent resident joins court case *Minino v. Perales*.	INS permanent resident card I-151 or I-551 ("green cards"), or re-entry permit.
Aliens "permanently residing in U.S. under color of law" (PRUCOL aliens), defined by Income Maintenance as:	
refugees	I-94 form stamped refugee (207)
Amerasians treated as refugees	I-94 form stamped admitted (AM1), (AM2), or (AM3), or I-551 ("green card") annotated AM6, AM7, or AM8
asylees	I-94 form stamped asylee (208)
parolees	I-94 form stamped parolee (212)(d)(5)
Cuban/Haitian entrants	I-94 form stamped Cuban/Haitian entrant, status pending
conditional entrants	I-94 form stamped refugee-conditional entry (203)(a)(7)
persons continuously residing in U.S. since prior to January 1, 1972	proof of residence in U.S. since prior to January 1, 1972
persons granted indefinite stay of deportation	INS correspondence showing indefinite stay of deportation
persons granted suspension of deportation	letter/order from immigration judge and I-94 form indicating suspension of deportation
persons granted indefinite voluntary departure	INS correspondence showing indefinite voluntary departure
persons granted voluntary departure for at least a one-year period	INS correspondence showing voluntary departure for at least a one-year period

Who is Eligible	Proofs of Eligibility
persons residing in U.S. under an INS order of supervision	INS form I-220 B
persons granted deferred action status	INS letter or INS form I-210 indicating that departure has been deferred
persons on whose behalf an "immediate relative" petition has been approved and who have been granted voluntary departure. NOTE: "immediate relative" refers to the spouse, parent, or unmarried under-21 child of a U.S. citizen	I-94 form and/or I-210 form indicating that voluntary departure has been granted till a specific date and that INS expects visa to become available within that period
other persons who can show that they are legitimately present in U.S. for an indefinite period of time. Persons with valid non-immigrant visas, persons granted voluntary departure for less than a year, and persons applying for an alien status or seeking to adjust an ineligible status are NOT eligible for this category.	relevant correspondence with INS

EMERGENCY ASSISTANCE TO ADULTS

(administered by NYC Human Resources Administration)

Who is Eligible	Proofs of Eligibility
SSI-eligible immigrants	Same as SSI

EMERGENCY ASSISTANCE TO FAMILIES

(administered by NYC Human Resources Administration)

Who is Eligible	Proofs of Eligibility
AFDC-eligible immigrants	Same as AFDC
All other temporary and permanent residents through the "amnesty," SAWs, and EVD nations programs	INS temporary resident card I-688, or INS permanent resident card I-551 ("green card") that has an eight-digit "A" number beginning with a 9

MEDICAID

(administered by NYC Human Resources Administration)

Who is Eligible	Proofs of Eligibility
Naturalized citizens	U.S. passport or naturalization certificate
Permanent resident aliens who did not become permanent residents through the "amnesty", SAWs, or EVD nations programs. If the permanent resident had a sponsor, sponsor's income and resources are considered for three years if they are actually contributed to the permanent resident.	INS permanent resident card I-151 or I-551 ("green cards"), or re-entry permit. The I-551 or re-entry permit must NOT have an eight-digit "A" number that begins with a 9.
Permanent residents through the "amnesty," SAWs, or EVD nations programs who meet criteria for, or are receiving, Home Relief	I-551 ("green card") that has an eight-digit "A" number beginning with a 9, plus evidence of Home Relief eligibility or receipt
Temporary or permanent residents through the "amnesty" or EVD nations programs in the following categories:	INS temporary resident card I-688 annotated 245 A, or I-551 ("green card") annotated W16, W26, or W36
children under 18	birth certificate
pregnant women (coverage continues for 60 days after birth)	medical certification
emergency cases (emergency care only)	certification of emergency medical condition on Medicaid form MAP 2151
aged	birth certificate
blind or disabled	medical certification
Temporary or permanent residents through the "amnesty" program who were Cuban/Haitian entrants prior to receiving "amnesty"	I-688 temporary resident card annotated 245A, or I-551 ("green card") annotated W16 or W26, plus INS form I-94 stamped Cuban/Haitian entrant, status pending
Temporary or permanent residents through the SAWs program in the following categories:	I-688 temporary resident card annotated 210, or I-551 ("green card") annotated S16 or S26
children under 18	birth certificate
pregnant women (coverage continues for 60 days after birth)	medical certification
emergency cases (emergency care only)	certification of emergency medical condition on Medicaid form MAP 2151

Who is Eligible	Proofs of Eligibility
aged	birth certificate
blind or disabled	medical certification
persons who were Cuban/Haitian entrants prior to becoming SAWs	I-94 form stamped Cuban/Haitian entrant, status pending
SAWs ineligible for AFDC for reasons other than SAW status, such as excess income	evidence of ineligibility for AFDC
Other permanent residents through the "amnesty," SAWs, or EVD nations programs, IF five years have elapsed from their date of legalization	I-551 ("green card") annotated W16, W26, S16, S26, or W36; the card gives the date of legalization (temporary resident adjustment date)
Any pregnant alien (including persons with valid non-immigrant visas) if unborn child would be eligible for Medicaid at birth. Case is re-evaluated when child is born.	Medical certification
Any alien (including persons with valid non-immigrant visas) who needs emergency care	Certification of emergency medical condition on Medicaid form MAP 2151
Aliens "permanently residing in U.S. under color of law" (PRUCOL aliens), defined by the U.S. Department of Health and Human Services as:	
refugees	I-94 form stamped refugee (207)
Amerasians treated as refugees	I-94 form stamped admitted (AM1), (AM2), or (AM3), or I-551 ("green card") annotated AM6, AM7, or AM8
asylees	I-94 form stamped asylee (208) or letter from INS or judge granting asylum
parolees	I-94 form stamped parolee (212)(d)(5)
Cuban/Haitian entrants	I-94 form stamped Cuban/Haitian entrant, status pending
conditional entrants	I-94 form stamped refugee-conditional entry (203(a)(7))
persons residing in U.S. under an INS order of supervision	INS form I-220 B
persons granted indefinite stay of deportation	INS letter and/or I-94 form showing indefinite stay of deportation

Who is Eligible	Proofs of Eligibility
persons granted indefinite voluntary departure	INS letter and/or I-94 form showing indefinite voluntary departure
persons on whose behalf an "immediate relative" petition has been approved, who are entitled to voluntary departure, and whose departure INS does not contemplate enforcing (family members covered by the petition are also included). NOTE: "immediate relative" refers to the spouse, parent, or unmarried under-21 child of a U.S. citizen.	I-94 form and/or INS I-210 form indicating that voluntary departure has been granted till a specific date and that INS expects visa to become available within this period
persons who have properly filed an application for adjustment of status, and whose departure INS does not contemplate enforcing	I-94 form and/or passport stamped "adjustment application" or "employment authorized during status as adjustment applicant," or INS form I-181
persons granted voluntary departure who are awaiting visas and whose departure INS does not contemplate enforcing	I-94 form and/or I-210 form indicating that voluntary departure has been granted till a specific date and that INS expects visa to become available within this period
persons granted stays of deportation and whose departure INS does not contemplate enforcing	letter or copy of court order and/or I-94 form showing stay of deportation
persons granted deferred action	INS letter or I-210 form indicating that departure has been deferred
persons who have resided continuously in U.S. since before January 1, 1972	proof of residence in U.S. since before January 1, 1972
persons granted suspension of deportation and whose departure INS does not contemplate enforcing	letter/order from immigration judge and I-94 form indicating suspension of deportation
persons whose deportation has been withheld	order from immigration judge showing that deportation has been withheld
any other person residing in U.S. with knowledge and permission of INS and whose departure INS does not contemplate enforcing, such as persons granted extended voluntary departure; children, the elderly, or the ill; and persons with applications pending for certain immigration benefits. Persons with valid non-immigrant visas are NOT eligible for this category.	INS correspondence granting extended voluntary departure; or INS correspondence granting permission to stay in U.S. for at least one year; or evidence that alien is known to INS and belongs to category whose departure INS generally does not enforce; or any other evidence that demonstrates that alien is known to INS and INS is otherwise permitting the alien to stay in U.S. indefinitely.

FOOD STAMPS

(administered by NYC Human Resources Administration)

Who is Eligible	Proofs of Eligibility
Naturalized citizens	No documents required
Permanent resident aliens who did not become permanent residents through the "amnesty" or EVD nations programs. If permanent resident had an individual sponsor, that sponsor's income and resources are considered in determining eligibility for three years after entry.	INS permanent resident card I-151 or I-551 ("green cards"), or re-entry permit. The I-551 or re-entry permit must not have an eight-digit "A" number that begins with a 9.
Permanent residents through the SAWs program	I-551 ("green card") that has an eight-digit "A" number beginning with a 9 and is annotated S16 or S26
Permanent residents through the "amnesty" or EVD nations programs in the following categories:	I-551 ("green card") that has an eight-digit "A" number beginning with a 9 and is annotated W16, W26, or W36
aged	birth certificate
blind or disabled	medical certification
Permanent residents through the "amnesty" program who were Cuban/Haitian entrants prior to receiving "amnesty"	INS form I-94 stamped Cuban/Haitian entrant, status pending
Other permanent residents through the "amnesty" or EVD nations programs, IF five years have elapsed from their date of legalization	I-551 ("green card") that has an eight-digit "A" number beginning with a 9 and is annotated W16, W26, or W36; the card gives the date of legalization (temporary resident adjustment date)
Temporary residents through the SAWs program	INS temporary resident card I-688 annotated 210
Temporary residents through the "amnesty" program who were Cuban/Haitian entrants prior to receiving "amnesty"	I-688 temporary resident card annotated 245A, plus I-94 form stamped Cuban/Haitian entrant, status pending
Refugees	I-94 form stamped refugee (207)
Amerasians treated as refugees	I-94 form stamped admitted (AM1), (AM2), or (AM3), or I-551 ("green card") annotated AM6, AM7, or AM8
Asylees	I-94 form stamped asylee (208)
Parolees	I-94 form stamped parolee (212(d)(5))

Who is Eligible	Proofs of Eligibility
Cuban/Haitian entrants	I-94 form stamped Cuban/Haitian entrant, status pending
Conditional entrants	I-94 form stamped refugee-conditional entry (203(a)(7))
Persons granted withholding of deportation	Order from immigration judge showing that deportation has been withheld
Persons living in U.S. since prior to January 1, 1972	Proof of residence in U.S. since prior to January 1, 1972

MEDICARE

(administered by U.S. Social Security Administration)

Who is Eligible	Proofs of Eligibility
PART A	
Naturalized citizens or aliens who have worked in employment covered under Social Security for a sufficient length of time to receive Social Security payments, and who are at least 65 years old or have been receiving Social Security disability benefits for at least two years	Social Security card or other documentation leading to SSA determination of sufficient length of time in covered employment; birth certificate; and proof of disability benefits receipt if applicable
Naturalized citizens who do not meet the covered employment requirement described above, IF they are over 65 and pay to participate in Part A	Naturalization certificate or U.S. passport, and birth certificate
Permanent residents who do not meet the covered employment requirement described above, IF they are over 65, have resided continuously in U.S. for five years immediately preceding participation in Part A, and pay to participate in Part A	INS permanent resident card I-151 or I-551 ("green cards") or re-entry permit, plus birth certificate and proof of continuous residence in U.S. for previous five years
PART B	
Naturalized citizens or aliens who are enrolled in Part A as a result of the covered employment described above, and who pay to participate in Part B	Proof of enrollment in Part A through covered employment
Naturalized citizens who did not meet the covered employment requirement for Part A, IF they are over 65 and pay to participate in Part B. If such persons chose to pay into Part A, participation in Part B is compulsory.	Naturalization certificate or U.S. passport, and birth certificate
Permanent residents who did not meet the covered employment requirement for Part A, IF they are over 65, have resided continuously in U.S. for five years immediately preceding participation in Part B, and pay to participate in Part B. If such persons chose to pay into Part A, participation in Part B is compulsory.	INS permanent resident card I-151 or I-551 ("green cards") or re-entry permit, plus birth certificate and proof of continuous residence in U.S. for previous five years

UNEMPLOYMENT COMPENSATION

(administered by NYS Department of Labor)

Who is Eligible

Naturalized citizens

Aliens who are currently authorized to work and who were authorized to work during period of employment on which compensation is based

Proofs of Eligibility

No immigration documents required

Proofs of current work authorization: INS permanent resident card I-151 or I-551 ("green cards") or re-entry permit; or INS temporary resident card I-688; or INS employment authorization card I-688A; or INS form I-94 stamped refugee (207), or asylee (208), or refugee-conditional entry (203(a)(7)), or admitted (AM1), (AM2), or (AM3), or Cuban/Haitian entrant, status pending; or other INS document or I-94 form showing work authorization. Documents must be currently valid. NOTE: I-94 forms for Cuban/Haitian entrants are still valid although they are stamped "employment authorized until January 15, 1981." NOTE ALSO: Most non-immigrant visas do not count as proof of current work authorization, since they either do not permit the holder to work or else are valid only for a specific employer.

Proofs of work authorization during employment: same as above, plus some non-immigrant visas. Documents must have been valid during period of employment on which compensation is based. NOTE: I-94 forms for Cuban/Haitian entrants have been valid consistently since 1981, although they are stamped "employment authorized until January 15, 1981."

Service Programs

SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

(administered by NYS Department of Health)

Who is Eligible	Proofs of Eligibility
All immigrants	No immigration documents required

NEW YORK CITY HUMAN RESOURCES ADMINISTRATION

Who is Eligible	Proofs of Eligibility
HOME CARE	
Medicaid-eligible immigrants	Same as Medicaid
BOROUGH CRISIS CENTERS EXTENDED SERVICES PROGRAMS SENIOR CENTERS PROTECTIVE SERVICES FOR ADULTS	
All immigrants	No immigration documents required
FAMILY HOMES FOR ADULTS VOLUNTARY AND PROPRIETARY HOMES FOR ADULTS	
SSI-eligible immigrants	Same as SSI
BATTERED WOMEN'S PROGRAM	
Immigrants eligible for AFDC, Home Relief, or Emergency Assistance to Families	Same as AFDC, Home Relief, or Emergency Assistance to Families
SHELTER CARE FOR THE HOMELESS (congregate)	
All immigrants	No immigration documents required
SHELTER CARE FOR HOMELESS FAMILIES	
All immigrants	Birth certificates or other proof of family relationship; no immigration documents required
FAMILY HOMEMAKER PROGRAM	
Medicaid-eligible immigrants	Same as Medicaid

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Who is Eligible	Proofs of Eligibility
PREVENTIVE SERVICES FOR CHILDREN PROTECTIVE SERVICES FOR CHILDREN FOSTER CARE FOR CHILDREN ADOPTION SERVICES	
All immigrants	No immigration documents required
UNACCOMPANIED REFUGEE MINOR PROGRAM	
Persons under 18 lawfully admitted to U.S. as refugees, Cuban/Haitian entrants, or Amerasians treated as refugees, who have no known relatives in U.S. and who have been approved for the program by the U.S. Office of Refugee Resettlement	INS form I-94 stamped refugee; Cuban/Haitian entrant, status pending; or admitted (AM1) or (AM3)
SERVICES TO PREGNANT MINORS	
AFDC-eligible immigrants	Same as AFDC
FAMILY PLANNING PRE-NATAL CARE	
Immigrants who are eligible for AFDC or Home Relief	Same as AFDC or Home Relief
DAY CARE CENTERS FOR CHILDREN	
U.S.-born children	U.S. birth certificate
Children with legal status in U.S.	One of the following: U.S. passport, naturalization certificate, citizenship certificate, or INS form I-197 (U.S. citizen ID card) INS permanent resident card I-551 ("green card"), re-entry permit, or INS form I-179 (resident alien ID card) INS temporary resident card I-688 INS form I-94 stamped refugee (207)
NOTE: In all cases, children's eligibility depends on mother's legal right to work	Currently valid I-94 form authorizing stay

Who is Eligible	Proofs of Eligibility
HEAD START	
AFDC-eligible children	Same as AFDC
Other children whose families meet program guidelines	No immigration documents required

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NEW YORK CITY DEPARTMENT OF EMPLOYMENT

Who is Eligible	Proofs of Eligibility
JOB TRAINING PARTNERSHIP ACT (JTPA) PROGRAM	
Naturalized citizens	U.S. passport or naturalization certificate
Permanent resident aliens, including those who became permanent residents through the "amnesty," SAWs, or EVD nations programs	INS permanent resident card I-151 or I-551 ("green cards"), or re-entry permit
Refugees	INS form I-94 stamped refugee (207)
Amerasians treated as refugees	I-94 form stamped admitted (AM1), (AM2), or (AM3), or I-551 ("green card") annotated AM6, AM7, or AM8
Parolees	I-94 form stamped parolee (212(d)(5))
Temporary residents through the "amnesty," SAWs, or EVD nations programs	INS temporary resident card I-688
Applicants for temporary residence through the "amnesty," SAWs, or EVD nations programs who have received work authorization	INS employment authorization card I-688A
Other persons authorized to work in U.S.	INS document showing work authorization
TARGETED ASSISTANCE PROGRAM	
Refugees Cuban/Haitian entrants Permanent resident aliens with prior status as a refugee or Cuban/Haitian entrant	I-94 form, either current or expired, stamped refugee (207) or Cuban/Haitian entrant, status pending
Amerasians treated as refugees	I-94 form stamped admitted (AM1), (AM2), or (AM3), or I-551 ("green card") annotated AM6, AM7, or AM8

NEW YORK CITY DEPARTMENT FOR THE AGING

Who is Eligible	Proofs of Eligibility
CENTRAL INFORMATION AND REFERRAL **HISPANIC HELPLINE** **HOMECARE SERVICES FOR THE FRAIL ELDERLY** **HOME-DELIVERED MEALS** **ALZHEIMER'S RESOURCE CENTER** **EMERGENCY SENIOR SERVICES** **HEALTH PROMOTION SERVICES** **SENIOR SECURITY SERVICES** **REDUCED FARE PROGRAM**	
All elderly immigrants	No immigration documents required
HOME ENERGY ASSISTANCE PROGRAM (HEAP)	
All elderly immigrants	Social Security number required
WORK EXPERIENCE PROGRAM	
Immigrants receiving Home Relief	Proof of Home Relief receipt
FOSTER GRANDPARENTS PROGRAM **SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM**	
Elderly immigrants who are work-authorized	Proof of work authorization

CITY UNIVERSITY OF NEW YORK
(CUNY)

Who is Eligible	Proofs of Eligibility
FOR ADMISSION: Students with U.S. high school diplomas or the foreign equivalent are eligible for admission to two-year colleges; additional academic requirements exist for admission to four-year colleges. Foreign students who will have F, J or M status must meet additional academic requirements for admission to two-year and four-year colleges.	No immigration documents required
Students who have or will have non-immigrant status and students who are undocumented immigrants must take TOEFL (Test of English as a Foreign Language) if English is not their native language or if they have not been educated in the medium of English.	
FOR RESIDENT TUITION:	For two-year colleges, evidence of residence in NYS for the 12 months and NYC for the six months immediately preceding first day of class, plus evidence of intent to reside permanently in NYC; for four-year colleges, evidence of residence in NYS for the 12 months immediately preceding first day of class, plus evidence of intent to reside permanently in NYS. In addition (for two-year and four-year colleges):
Naturalized citizens	U.S. passport or naturalization certificate
Permanent resident aliens, including those who became permanent residents through the "amnesty," SAWs, or EVD nations programs	INS permanent resident card I-151 or I-551 ("green cards")
Refugees	INS form I-94 stamped refugee (207)
Amerasians treated as refugees	I-94 form stamped admitted (AM1), (AM2), or (AM3), or I-551 ("green card") annotated AM6, AM7, or AM8
Asylees	I-94 form stamped asylee (208)
Parolees	I-94 form stamped parolee (208)
Cuban/Haitian entrants	I-94 form stamped Cuban/Haitian entrant, status pending
Conditional entrants	I-94 form stamped refugee-conditional entrant (203(a)(7))
Persons on whose behalf a permanent resident petition has been filed with INS and who have received work authorization	INS documents showing that application has been filed and that work authorization has been granted

Who is Eligible	Proofs of Eligibility
FOR RESIDENT TUITION: (continued) Applicants for asylum who have received work authorization	INS documents showing that appllication has been filed and that work authorization has been granted
Temporary residents through the "amnesty," SAWs or EVD nations programs	INS temporary resident card I-688
Non-immigrant aliens who have valid A-1, A-2, A-3, E-1, E-2, G-1, G-2, G-3, G-4, G-5, or I visas	I-94 form stamped A-1, A-2, A-3, E-1, E-2, G-1, G-2, G-3, G-4, G-5, or I
United Nations employees, their spouses, and dependent children	Certification from Office of the Assistant Secretary-General, Personnel Services, U.N.
Undocumented immigrants who have been residents of NYS for at least one year after entering U.S. without a visa	Affidavit evidence that immigrant entered U.S. without a visa, plus proof of residence in NYS for at least one year following entry
Undocumented immigrants who have attended an NYS high school for two semesters immediately prior to CUNY admission after entering the U.S. without a visa	Affidavit evidence that immigrant entered U.S. without a visa, plus transcript from an NYS high school
Undocumented immigrants who have been residents of NYS for at least one year after expiration date of non-immigrant status. NOTE: Holders of non-immigrant status (including F, J, or M status) will not be regarded as undocumented immigrants on account of any violation of non-immigrant status except overstaying by a year the estimated completion date of the program authorized by their I-20 form.	Expired non-immigrant visa, plus proof of residence in NYS for at least one year after expiration date
FOR FINANCIAL AID: Naturalized citizens Refugees Amerasians treated as refugees Asylees Parolees Cuban/Haitian entrants Conditional entrants	Same proofs as for resident tuition
Permanent resident aliens including those who became permanent residents through the "amnesty," SAWs, or EVD nations programs	I-151 or I-551 ("green cards")
Temporary residents through the amnesty, SAWs, or EVD nations programs	I-688 temporary resident card

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NEW YORK CITY HOUSING AUTHORITY

Who is Eligible

All immigrants except students on non-immigrant visas.

NOTE: This situation could change at any time, since additional restrictions were enacted in 1980 and 1987 that have not yet been implemented.

Proofs of Eligibility

No immigration documents required

NEW YORK CITY BOARD OF EDUCATION

(primary, secondary, and adult education)

Who is Eligible

All immigrants

Proofs of Eligibility

No immigration documents required

NEW YORK CITY HEALTH AND HOSPITALS CORPORATION

Who is Eligible

All immigrants

Proofs of Eligibility

No immigration documents required (except for Medicaid applicants)

NEW YORK CITY DEPARTMENT OF HEALTH

Who is Eligible

All immigrants

Proofs of Eligibility

No immigration documents required

NEW YORK CITY DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION, AND ALCOHOLISM SERVICES

Who is Eligible

All immigrants

Proofs of Eligibility

No immigration documents required

Laws and Regulations Governing Entitlements

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LAWS AND REGULATIONS

KEY TO ACRONYMS:

ADM - Administrative Directive
CFR - Code of Federal Regulations
DOL - Department of Labor
DSS - Department of Social Services
MB - Manual Bulletin
NYC - New York City
NYS - New York State
RR - Regulations
USC - U.S. Code

Financial/Insurance Programs

U.S. SOCIAL SECURITY ADMINISTRATION (SSA)

SUPPLEMENTAL SECURITY INCOME (SSI): U.S. Social Security Act; U.S. Immigration Reform and Control Act of 1986; 42 USC 1381 et seq.; 42 USC 1396 a (a)(10)(A)(i); 20 CFR 416.1618; *Berger v. Secretary* consent decree; U.S. SSA Program Circular 68-02000303, 12/15/87; U.S. SSA Transmittal No. 17, May 1987.

NEW YORK CITY HUMAN RESOURCES ADMINISTRATION (HRA)

AID TO FAMILIES WITH DEPENDENT CHILDREN (AFDC): U.S. Social Security Act; U.S. Refugee Act of 1980; U.S. Immigration Reform and Control Act of 1986; U.S. Department of Health and Human Services Office of Family Assistance Transmittal FSA-AT-88-4, March 3, 1988; NYS Social Service Law 131-K; NYS DSS 88-ADM-22.

HOME RELIEF: Same as AFDC.

EMERGENCY ASSISTANCE TO ADULTS: NYS Social Service Law 300-309; 18 NYC RR 397.

EMERGENCY ASSISTANCE TO FAMILIES: 42 USC 606(e); NYS Social Service Law 350.j; NYS DSS Information Bulletin 89-INF-12; 18 NYC RR 372; 18 NYC RR 349.3.

MEDICAID: U.S. Social Security Act; U.S. Refugee Act of 1980; U.S. Immigration Reform and Control Act of 1986; U.S. Omnibus Budget Reconciliation Act of 1986; NYS Social Service Law 131-K; NYS DSS 88-ADM-4; NYS DSS 88-ADM-22; NYC MAP (Medical Assistance Program) Procedure 88-2.

FOOD STAMPS: U.S. Food Stamp Act; U.S. Immigration Reform and Control Act of 1986; 7 CFR 273.4 and 273.11; NYS DSS 88-ADM-22.

MEDICARE

U.S. Social Security Act; 42 USC 1395i-2(a)(3); 42 CFR 406.20(b)(2)(ii); 42 USC 13950(2); 42 CFR 405.205(b).

NEW YORK STATE DEPARTMENT OF LABOR

UNEMPLOYMENT COMPENSATION: U.S. Social Security Act; Federal Unemployment Tax Act, 26 USC 3301 et seq.; U.S. Immigration Reform and Control Act of 1986; U.S. DOL, Unemployment Insurance Program Letter No. 12-87 (March 11, 1987); NYS Unemployment Insurance Law 590-9; NYS Labor Law 591-2.

Service Programs

NEW YORK STATE DEPARTMENT OF HEALTH

SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC): None.

NEW YORK CITY HUMAN RESOURCES ADMINISTRATION (HRA)

HOME CARE: Same as Medicaid.

BOROUGH CRISIS CENTERS, EXTENDED SERVICES PROGRAMS, SENIOR CENTERS: None.

PROTECTIVE SERVICES FOR ADULTS: NYS Regulations 403.7; NYS DSS 80 MB 24 (Bulletin 195); NYS DSS 88-ADM-22.

FAMILY HOMES FOR ADULTS, VOLUNTARY AND PROPRIETARY HOMES FOR ADULTS: Same as SSI.

BATTERED WOMEN'S PROGRAM: Same as AFDC, Home Relief, and Emergency Assistance to Families.

SHELTER CARE FOR THE HOMELESS (congregate): 1981 New York Consent Decree in *Callahan v. Carey*.

SHELTER CARE FOR HOMELESS FAMILIES: NYS DSS 83-ADM-47.

FAMILY HOMEMAKER PROGRAM: Same as Medicaid.

PREVENTIVE SERVICES FOR CHILDREN, FOSTER CARE FOR CHILDREN, ADOPTION SERVICES: None.

PROTECTIVE SERVICES FOR CHILDREN: NYS Regulations 403.7.

UNACCOMPANIED REFUGEE/ENTRANT MINOR PROGRAM: U.S. Refugee Act of 1980; NYS DSS 88-ADM-24; NYS DSS 88-ADM-11.

SERVICES TO PREGNANT MINORS: Same as AFDC.

FAMILY PLANNING, PRE-NATAL CARE: Same as AFDC and Home Relief.

DAY CARE CENTERS FOR CHILDREN: NYS Regulations 403.7; NYC Agency for Child Development Manual, Appendix A, p. ii.

HEAD START: U.S. Head Start Act.

NEW YORK CITY DEPARTMENT OF EMPLOYMENT

JOB TRAINING PARTNERSHIP ACT (JTPA) PROGRAM: U.S. Job Training Partnership Act; U.S. Refugee Act of 1980; NYS DOL Service Delivery Area Bulletin 10-87; NYS DOL Technical Advisories 32-87, 45-87, 17-88.

TARGETED ASSISTANCE PROGRAM: U.S. Refugee Act of 1980.

NEW YORK CITY DEPARTMENT FOR THE AGING

CENTRAL INFORMATION AND REFERRAL, HISPANIC HELPLINE, HOMECARE SERVICES FOR THE FRAIL ELDERLY, HOME DELIVERED MEALS, ALZHEIMER'S RESOURCE CENTER, EMERGENCY SENIOR SERVICES, HEALTH PROMOTION SERVICES, SENIOR SECURITY SERVICES, REDUCED FARE PROGRAM, HOME ENERGY ASSISTANCE PROGRAM (HEAP): None.

WORK EXPERIENCE PROGRAM: Same as Home Relief.

FOSTER GRANDPARENTS PROGRAM, SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM: U.S. Immigration Reform and Control Act of 1986.

CITY UNIVERSITY OF NEW YORK (CUNY)

FOR ADMISSION: CUNY Board of Higher Education Resolutions, July 1969, November 1969, February 1973, June 1973.

FOR RESIDENT TUITION: CUNY Board of Higher Education Resolutions, 6/26/78 and 9/25/78; Memorandum from the Office of the Vice-Chancellor for the Executive Office, 8/29/78; 1982 Supreme Court decision in *Toll v. Moreno;* Resolution of the Council of Presidents of the City University, 5/2/83; Memoranda from the Office of General Counsel and Vice Chancellor for Legal Affairs, 3/3/83, 10/7/83, 8/10/89, 8/29/89; CUNY Fee Manual Draft, January 1989, pp. 5-6

FOR FINANCIAL AID: Title IV of U.S. Higher Education Act of 1965, Public Law 89-329 as amended; 34 CFR Parts 668, 190, 674-676, 682, 683; U.S. Immigration Reform and Control Act of 1986; Federal Monitor 153 (5/1/87) Drug-Free Workplace Requirements; Federal Monitor 189 (1/3/89) Selective Service Compliance Dear Colleague Letter GEN 88-26.

NEW YORK CITY HOUSING AUTHORITY

42 USC 1436a; 24 CFR 812.2(g)

NEW YORK CITY BOARD OF EDUCATION

1982 U.S. Supreme Court Decision in *Plyler v. Doe;* 1989 revision of NYC Board of Education Chancellor's Regulations A-145, Students Volume.

NEW YORK CITY HEALTH AND HOSPITALS CORPORATION

None.

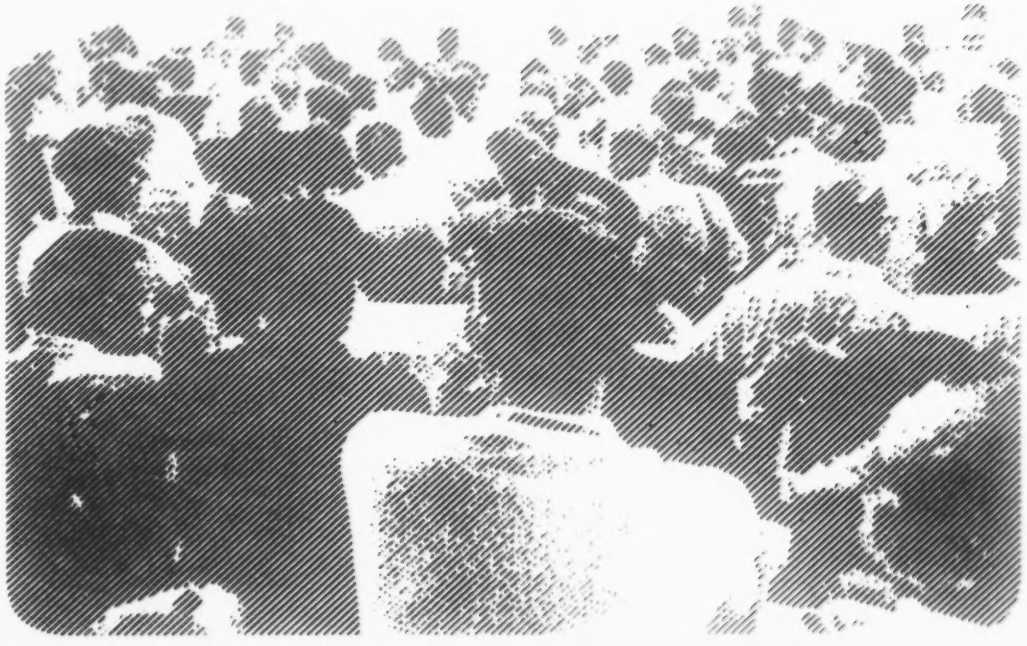
NEW YORK CITY DEPARTMENT OF HEALTH

None.

NEW YORK CITY DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION, AND ALCOHOLISM SERVICES

None.

Glossary



GLOSSARY

A

"A" NUMBER: An identifying number (prefixed by the letter "A") that is assigned to an alien's INS file. Permanent resident cards, temporary resident cards, and some other INS documents indicate the bearer's "A" number. Most current "A" numbers contain eight digits. Persons who legalized through the "amnesty" and SAWs programs have eight-digit numbers that begin with a 9. In the past, "A" numbers used to contain only seven digits, and some cards with seven-digit "A" numbers are still in valid circulation. Some of these seven-digit numbers may begin with a 9. They should not be confused with the eight-digit numbers starting with a 9, i.e., those that belong to "amnesty" and SAWs aliens, because the criteria for public benefits are different for "amnesty" and SAWs aliens than they are for other permanent resident aliens.

ADJUSTMENT OF STATUS: A procedure by which certain aliens already in the United States can become permanent residents without having to leave the U.S. for processing abroad by a U.S. consul.

ALIEN: A person who is present in the United States but is not a United States citizen.

"AMNESTY": A program (officially known as legalization) established by the Immigration Reform and Control Act of 1986 through which certain undocumented aliens could receive temporary resident status and then permanent resident status.

ASYLEE: An alien who has received permission to remain in the United States based on a "well-founded fear of persecution" should the alien return to the native land. A prospective asylee applies for this permission from U.S. soil, unlike a refugee, who applies from abroad.

B

BERGER v. SECRETARY: A court challenge that resulted in the U.S. Department of Health and Human Services' issuing a list of categories of aliens to be considered PRUCOL for SSI purposes (1983).

C

CALLAHAN v. CAREY: A court challenge on behalf of homeless men that claimed New York City and State were not meeting their obligations under the State Constitution to care for the needy. In a 1981 consent agreement, city and state agreed to provide shelter for all homeless men who met the eligibility requirements.

CONDITIONAL ENTRANT: The technical term for refugee before the Refugee Act of 1980 was passed.

CONDITIONAL PERMANENT RESIDENT: A two-year status given to persons (and their children) who receive permanent residence on the basis of marriage to a U.S. citizen or permanent resident, if the marriage has not yet reached its second anniversary. Prior to the end of their two years of conditional status, conditional permanent residents generally have to show that the marriage was and continues to be valid; otherwise, residence is lost. Conditional permanent residents are also known as conditional residents; their "green cards" are annotated CR.

CUBAN/HAITIAN ENTRANT: An immigration status created in 1980 by President Carter for the 139,000 Cubans and Haitians who entered the country that year in a massive boat lift to the shores of Florida.

D

"DEEMING" PROVISIONS: Those parts of social service law that "deem" a sponsor's income and resources as available to a permanent resident for the purpose of calculating the permanent resident's financial eligibility for benefits in the three years following receipt of permanent resident status.

DEFERRED ACTION: An INS decision not to remove a deportable alien, for humanitarian or other reasons.

E

EVD NATIONS PROGRAM: A program in which certain nationals of Afghanistan, Ethiopia, Poland and Uganda already in the U.S. could apply for temporary resident status and later for permanent resident status. The program is so called because nationals from the countries in question had been granted extended voluntary departure (EVD).

EXTENDED VOLUNTARY DEPARTURE (EVD): A temporary postponement of an alien's required departure from the United States, granted only if the alien's homeland is on a State Department list of nations viewed as too dangerous to return to at the present time.

G

GREEN CARD: See Permanent Resident Card.

I

I-20: A form issued by a school or higher educational institution certifying that a student is eligible for F-1 non-immigrant student status.

I-94: The INS control document that records every alien's arrival in, and departure from, the United States. It identifies the period of time for which the alien is admitted, and the alien's immigration status.

IMMIGRANT: In INS terminology, an alien admitted to the United States as an actual or prospective permanent resident; an alien with the right to become a citizen in time. In common language, an alien living here permanently.

IMMIGRATION AND NATIONALITY ACT (INA): The current immigration law.

IMMIGRATION AND NATURALIZATION SERVICE (INS): The federal agency that administers immigration law, located in New York City at 26 Federal Plaza, Manhattan.

IMMIGRATION REFORM AND CONTROL ACT OF 1986 (IRCA): A law whose main provisions allowed certain undocumented aliens to gain legal status and made it illegal for employers to hire undocumented aliens. IRCA has been incorporated into the INA.

INDEFINITE STAY OF DEPORTATION: A permanent moratorium on a deportation order, granted rarely and only to aliens who can prove good moral character, and "extreme hardship" should they be deported.

INDEFINITE VOLUNTARY DEPARTURE: An indefinite postponement of an alien's required departure from the U.S., granted rarely and only for humanitarian reasons.

M

MININO v. PERALES: A court challenge to the "deeming" provisions of New York State's Home Relief law. As a result of this case, "deeming" provisions do not apply if the sponsor's income and resources are no longer available to a permanent resident who is applying for Home Relief (1985).

N

NATURALIZATION: The act of becoming a citizen.

NON-IMMIGRANT: In INS terminology, an alien who is authorized to be in the United States only temporarily and for a specific purpose; for example, a college student.

O

ORDERLY DEPARTURE PROGRAM: A program established in 1979 by the Vietnamese government and the United Nations High Commissioner for Refugees that allows Vietnamese who have been accepted by the United States and other countries to emigrate legally from Vietnam.

ORDER OF SUPERVISION: An order that an alien must report to the INS periodically pending eventual deportation. Orders of supervision may be issued when aliens have been under final deportation orders for more than six months but deportation has proven to be impracticable, inadvisable, or impossible.

P

PAROLEE: An alien who has been given permission to enter the United States under emergency conditions or when that alien's entry is considered to be in the public interest.

PERMANENT RESIDENT ALIEN: An immigrant authorized to live and work in the United States indefinitely, and eventually to apply for citizenship.

PERMANENT RESIDENT CARD: An INS document that certifies lawful permanent resident status; also known as an alien registration receipt card or resident alien card. Commonly called the "green card" because it used to be green, it is now blue and white, or pink. Green, blue and white, and pink "green cards" are equal in meaning; the color has no significance. INS Form I-151 or I-551.

"PERMANENTLY RESIDING UNDER COLOR OF LAW" (PRUCOL): An ambiguous term used in social service law to refer to aliens who are not permanent residents of the United States but who have certain rights under social service law.

PLYLER v. DOE: A Texas case in which the U.S. Supreme Court struck down a law denying public education to undocumented children (1982).

R

RE-ENTRY PERMIT: An INS document that allows a permanent resident alien to be readmitted to the United States if he or she leaves the country temporarily.

REFUGEE: An alien admitted to the United States based on a "well-founded fear of persecution" based on race, religion, nationality, or social or political ties. Differs from an asylee mainly in that a refugee applies for admission from a "country of first asylum" outside the United States, whereas an asylee applies from U.S. soil.

REGISTRY: A process by which an alien who has resided in the U.S. since prior to 1972 can become a permanent resident.

S

SAWS PROGRAM: A program established by IRCA through which special agricultural workers (SAWs) could receive temporary resident status and then permanent resident status.

SPONSOR: A term in welfare law referring to a person or organization that assisted an applicant for admission to the United States by guaranteeing support for the applicant's first three years in the country. Immigration authorities sometimes require affidavits of support when an applicant seems likely otherwise to become a public charge. Not all applicants are required to present such affidavits, so not all have sponsors.

STAY OF DEPORTATION: A temporary moratorium n a deportation order, granted while a case is pending.

SUSPENSION OF DEPORTATION: An adjustment by an immigration judge of a deportable alien's status to that of permanent resident.

T

TEMPORARY RESIDENT ALIEN: An immigrant who is authorized to live and work in the United States temporarily and who is eligible in time to seek permanent resident status. Temporary residents must proceed to permanent resident status or they lose their legal immigration status.

TOLL v. MORENO: A court case on the right of non-immigrant alien students to apply for resident college tuition. In 1982, the U.S. Supreme Court decided that the state of Maryland could not automatically disqualify non-immigrant applicants on the basis of their visa status.

U

UNDOCUMENTED ALIEN: An alien who has no current authorization from immigration authorities to be in the United States.

V

VOLUNTARY DEPARTURE: Permission for an alien to leave the United States voluntarily by a set date, rather than being formally deported.

W

WITHHOLDING OF DEPORTATION: A decision not to deport an alien based on acceptance of the alien's application for asylum.

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